REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated October 7, 2009. This amendment is timely filed.

At the time of the Office Action, claims 1-13 were pending. In the Office Action, claims 1-13 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-13 were also rejected under 35 U.S.C. §103(a). The rejections are discussed in more detail below.

I. Rejection under 35 U.S.C. §112, second paragraph

Claims 1-13 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 3, 6, 8 and 9 have been amended to overcome the rejections and withdrawal of the rejection is thus respectfully requested. New claims 14 and 15 have been added to include subject matter from claims 6 and 9.

With respect to the statement in the Office Action that the term "carrier" was uncertain, Applicant notes that this term is defined in the specification on page 7, lines 16-22, and it is believed that the term is therefore clear and that it is not necessary to specify the function of the carriers in the claim. Withdrawal of the rejections under 35 U.S.C. §112, second paragraph, is believed appropriate, and is thus respectfully requested.

II. Rejections based upon art

Claims 1-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,021,350 to Jung et al. (hereafter "*Jung*") in view of U.S. Patent No. 4,138,292 to Chibata et al. ("*Chibata*") and U.S. Patent No. 3,791,927 to Forgione et al. ("*Forgione*"). Applicant submits the claims are patentable over these references.

The Office Action asserts that *Jung* suggests a process for producing pellets containing fungi that is essentially the same as claimed except that *Jung* does not disclose providing a carrier in the culture medium with the gelling agent. While it is correct that *Jung* does not disclose providing a carrier in the culture medium with the gelling agent, it should also be noted that *Jung* does not disclose drying the gelled granules to a moisture content of 13-18%.

In fact, although *Jung* contemplates drying the gel, this reference also recognizes that ordinary drying takes a long time a give a dry film which crumbles easily and can be crushed without difficulty (see column 5 lines 16-20), Consequently, *Jung* teaches to add an adsorbent substance with large capacity to absorb water to the gel (col. 5 lines 20-25) and the resulting material is dried. However, even after drying, a consistent content of moisture still remain in the dried gel as the loss of water is only from 0 to 50%, preferably from 30% to 40% (col. 5 lines 40-45), Therefore, *Jung* does not provide any disclosure or suggestion to the skilled person about drying the gel to a low moisture content of 13-18%. To the contrary, *Jung* suggests maintaining a higher moisture content in the dried gel.

Even combining the teachings of *Jung* with those of *Chibata* and/or *Forgione*, does not result in the presently claimed method. *Chibata* disclose an enzyme or microorganism that is entrapped within a gel matrix (i.e. a carrier) of a sulfated polysaccharide. In particular, the enzyme or microorganism is immobilized through a bond with the carrier to maintain a high level of catalytic activity over a long period of time. Similarly, *Forgione* teaches to bind enzymes to a carrier and the channeling and compacting of the resulting bound enzyme is reduced by entrapping the carrier bound enzyme in a reticulated cellular material.

In contrast, according to claim 1 of the present application, the carrier is merely mixed with the culture medium containing filamentary fungi. As a result, even after gelling, the fungi may only interact to a certain extent with the carrier but no specific bond or immobilization, as required by *Chibata* and *Forgione*, is achieved between the fungi and the carrier.

Independent claim 1 is thus patentable over the cited prior art. The dependent claims are also believed allowable because of their dependence upon an allowable base claim, and because of the further features recited.

III. Conclusion

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant

respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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Mark D. Passler, Reg. No. 40,764
Sarah E. Smith, Reg. No. 50,488
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000